

From: Alex Hess [mailto:alex.hess@ruberry-law.com]
Sent: Wednesday, November 01, 2017 5:20 PM
To: Stelter, Judson D (66454); Ed Ruberry
Cc: Jones, Amy Schmidt (12771); stoeri.bill@dorsey.com; ruda.erik@dorsey.com; Schrimpf, Thomas (tschrimpf@hinshawlaw.com); mmalone@hinshawlaw.com; Munson, Jill M. (JMunson@hinshawlaw.com)
Subject: RE: Love v. MCW, et al.

All:

Let's schedule the call for 10:30 a.m. CDT this Friday. I'll circulate an Outlook invitation with the dial-in information shortly.

We disagree that the completion of written discovery and document production "has nothing to do with" the subject of Dr. Schroeder's deposition. In Dr. Schroeder's affidavit, which I attach for your reference, he stated that he practiced as a resident and fellow at MCW the entire time that Dr. Love practiced there, that he participated in cases with both Dr. Love and Dr. Pagel, and that he had concerns regarding Dr. Love's judgment and skills based on his personal observations at MCW and his conversations with colleagues at MCW. (Schroder Aff. at ¶¶ 3-6, 10). Thus, MCW's and Froedtert's records of surgical cases in which Dr. Love participated, as well as documents pertaining to QA reviews of Dr. Love's cases at MCW, are relevant to Dr. Schroeder's deposition.

Although we will not consent to scheduling Dr. Schroeder's deposition until at least 30 days after written discovery and document production are complete, we will consent to scheduling the depositions of Dr. Schmidt, Dr. Itani, Dr. Kantamneni, and St. Mary's Hospital's Rule 30(b)(6) witness for dates in December. We will be available for those depositions on December 18, 19, 20, 21, 27, 28, and 29, subject to the deponents' availability. Please note that we will reserve at least two hours for our examinations at each of these depositions, so we believe it would be prudent to schedule no more than one deposition per day.

We will consent to Dr. Schroeder's deposition being the first one scheduled *30 days after* the completion of all written discovery and document production.

Alternatively, if MCW and Froedtert were to agree to complete written discovery and document production by December 1, 2017, then we could schedule all five St. Mary's depositions for early January 2018, which might be more convenient for the deponents anyway.

Please note that Dr. Love's Second Sets of Interrogatories and Requests for Production to MCW and Froedtert, served on October 28, 2017, have no bearing on any of the St. Mary's depositions, so any potential disputes over that written discovery need not delay the St. Mary's depositions.

We look forward to speaking with you all on Friday.

Best,

Alex

Alexander R. Hess

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From: Stelter, Judson D (66454) [<mailto:jdstelter@michaelbest.com>]

Sent: Wednesday, November 01, 2017 9:43 AM

To: Alex Hess <alex.hess@ruberry-law.com>; Ed Ruberry <ed.ruberry@ruberry-law.com>

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Schrimpf, Thomas (tschrimpf@hinshawlaw.com) <tschrimpf@hinshawlaw.com>; mmalone@hinshawlaw.com; Munson,

Jill M. (JMunson@hinshawlaw.com) <JMunson@hinshawlaw.com>

Subject: RE: Love v. MCW, et al.

Alex:

We are available for a call on Friday (11/3) from 9-11:30 and from 2:30-5:00 CST.

With respect to the St. Mary's depositions, given that you still have not provided a reason for your unavailability for the St. Mary's depositions on the dates we previously provided, and are now taking the position that we need to schedule the depositions after the completion of written discovery that has nothing to do with the subjects of those depositions, our prior observation has a factual basis. We intend to move forward with the depositions of the St. Mary's witnesses at this time. We expect that during our call you will provide your availability in November and December for the following depositions: Dr. Schmidt, Dr. Schroeder, Dr. Itani, Dr. Kantamneni, and a 30(b)(6) of St. Mary's.

If you do not do so, without a specific, valid reason for your unavailability, we intend to notice the depositions on dates that work for the remaining parties.

Regards,

Jud